



*Town of Plaistow*  
**ZONING BOARD OF ADJUSTMENT**  
145 Main Street - Plaistow, NH 03865

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**  
**April 25, 2019**

The meeting was called to order at 6:30 p.m.

**Roll Call:** Peter Bealo, *Chair*  
Dan Lloyd, *Vice Chair*  
John Blinn, *excused*  
Jonathan Gifford, *excused*  
Gary Ingham

**Review/Approval of Minutes**

March 28, 2019 Minutes

***★D. Lloyd moved, second by G. Ingham, to approve the minutes from the March 28, 2019 meeting. There was no discussion on the motion. The vote was 3-0-0 U/A.***

P. Bealo noted that there were only three (3) voting members available for this meeting. He explained the significance of a three-member board for voting purposes, noting that each vote would need to be unanimous to pass. He further explained that applicants had the right under the Board's By-Laws to request a continuance to such time as there is a full board. If an applicant chooses to move forward with their applicant before the three-member board, and the application should fail, they will not be able to use the lack of a full board as grounds to request a re-hearing.

**PUBLIC HEARINGS:**

**#19-04: A request from Michelle Tighe for a special exception under Article X to allow a home occupation, namely small classes for children/caregivers. The property is located at 17 Chandler Ave, Tax Map 38, Lot 8 in the MDR District. Michelle Tighe and David Tiberio are the property owners of record.**

Michelle Tighe, 17 Chandler Av, was present for the application. Ms. Tighe noted that she would like to move forward with her application with the three-member board.

M. Tighe offered that she wanted to do something with her own kids, but found that there was nothing nearby other than the library. When she decided to home school her son she thought that there would be other parents in similar circumstance and that's where the idea for this proposal came from. She noted her background to be working with special needs kids.

M. Tighe explained that she would be conducting little classes that would be between one and one-and-a-half hours long, four (4) days a week, September through June. Classes would be on a six (6) weeks on, and two (2) weeks off cycle and will focus on a specific learning experience.

The Board reviewed the criteria in Article X for the granting of a home occupation special exception noting the following:

- The proposed business use qualifies for a home occupation un §220-66.B and is limited to four (4) students, in addition to any children already living in the home
- There are no uses that would be noxious, injurious, or offensive to the neighborhood due to emission of odor, fumes, dust, smoke, vibration and noise. The children will not be outside during these short sessions.
- There will not be any electrical processes that would cause a fluctuation in the voltage off premises
- The use is proposed in a single-family home and is owner-occupied
- The proposed use will be conducted within 23% of the living space, which is below the 25% maximum of the ordinance
- There will not be any changes to the residential character of the premises as all activities will be inside
- The applicant does not intend to have a sign at this time. She was reminded that a sign is allowed, up to three (3) square feet, and a permit is required prior to the sign being installed
- The applicant is the sole employee of the business
- There will not be any outside merchandise displayed
- There is adequate off-street parking for approximately ten (10) cars
- There is no business vehicle associated with this business, only the applicant's personal vehicles
- There are no covenants in the deed that would restrict the proposed use
- The dwelling isn't a condominium

It was noted for the applicant that there can only be one (1) home occupation per dwelling unit. It was also noted that the Code Enforcement Officer will conduct an inspection of the business prior to the issuance of the occupancy permit if he deems it necessary.

It was further noted that the home occupation must be renewed every three (3) years. Renewal is the responsibility of the applicant and no reminder notices are sent.

P. Bealo asked if there were any questions from the Board, there were none. He asked if anyone was speaking in favor of or in opposition to the application. There was no one.

P. Bealo explained the Board's deliberation process. He noted that once the public hearing is closed there could be no additional input on the application. He added that a decision would be made at this meeting and the applicant would receive a written notice of decision within ten (10) days. P. Bealo added that no permits could be issued for thirty

(30) days to allow anyone who disagreed with the Board's decision to file for a request for re-hearing. There were no additional questions and the public hearing was closed.

### **DELIBERATIONS**

***★D. Lloyd moved, second by G. Ingham, to grant the request for a special exception for a home occupation at 17 Chandler Av as noted in the legal notice.***

P. Bealo offered that the application met the letter of the Home Occupation Ordinance.

D. Lloyd noted that his only concern was the parking, which was addressed.

***There was no additional discussion on the motion. The vote was 3-0-0 U/A.***

### **PUBLIC HEARINGS CONT'D**

**#19-05: A request from Henry Corey for a variance from Article V, §220-37, to allow the land area within the LDR zone to be allowed to apply towards the minimum lot area requirements of §220-32E C:2 which requires 40,000SF per dwelling unit. The property is located at 57 Sweet Hill Rd, Tax Map 62, Lot 12 in both the MDR and LDR districts. Peter & Karen Ray are the property owners of record.**

It was noted that a letter had been submitted signed by the property owners that allowed Henry Corey to make the application.

Kevin Hatch, Cornerstone Surveying and Henry Corey applicant, were present for the application.

K. Hatch requested that this matter be continued to the next public hearing date in hopes of there being a five (5) member board.

P. Bealo announced that matter #19-05 is continued to May 30, 2019, same time and location and that no additional notification, written or otherwise, will be sent out. It will be posted on the website.

There was no additional business before the Board and the meeting was adjourned at 6:54 p.m.

Respectfully Submitted:

Dee Voss  
Administrative Assistant